The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, May 3, 2006 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Inspector Supervisor

ITEM #1 – APPROVAL OF MINUTES – MEETING OF April 5, 2006

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of March 1, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. BASEMENT EXPERTS, 4687 ALTON DRIVE for relief of 2003 Michigan Residential Code to finish a basement.

Mr. Dziurman moved this item to the end of the agenda to allow the petitioner the opportunity to be present.

ITEM #3 – VARIANCE REQUEST. BASEMENT EXPERTS, 1432 LEAFGREEN for relief of the Michigan Residential Code to finish a basement.

Mr. Dziurman moved this item to the end of the agenda to allow the petitioner the opportunity to be present.

ITEM #4 – VARIANCE REQUEST. MARK ROULAND, 3012 KINGSLEY, for relief of Chapter 83 to remove and replace an existing fence.

Mr. Stimac explained that the petitioners are requesting relief of Chapter 83 to remove and replace an existing fence. The location of this property and the orientation of the adjacent homes, make this lot a double front lot. As such it has a 40' minimum front yard setback requirement along both Kingsley and Big Beaver. Chapter 83 limits the height of fences to 30" in front setbacks. The site plan submitted indicates replacing the

J-19

ITEM #4 – con't.

existing fence with a new 6' high privacy fence adjacent to the south property line along West Big Beaver Road. There was never any permit for the original fence.

Mr. Rouland was present and submitted photos of the existing fence. He stated you can see that the fence is in disrepair and is in need of replacement. The fence was erected in 1988 and provided protection for a pool that was also constructed by a previous owner (Crawford family). He stated there are at least two reasons that he would like the fence. One is for protection for the in-ground pool and the other is because of the deteriorated condition of the fence. He said the fence is a stockade type fence. He would like to erect something that would look nice and improve the site.

In addition, Mr. Rouland stated that a 4'high fence would not deter people from gaining access to the site. He stated the homeowner's association helps maintain the area on the outside and they would be will to plant material that would make it look more attractive. He has checked similar sites that have a 6' high privacy fence. He also stated it would help prevent the pool from being an attractive nuisance and he has a small daughter that plays in the yard.

There is a cement wall that is lower and Mr. Rouland agreed to taper the fence to meet the cement wall. He also said the City of Troy removed trees from the right-of-way and he does not know what the plans are for planting new trees.

Mr. Richnak asked if the homeowner at 3011 Kingsley has the same type of fence. Mr. Rouland stated he didn't think the fence at 3011 Kingsley was as old as the fence at his residence. He plans on using white cedar and placing the nicer side out so that it would be more attractive.

Mr. Richnak asked who was erecting the fence. Mr. Rouland stated he hired Action Fence Company to do the work.

Mr. Stimac advised him that the property line in that area was not 1' off of the sidewalk. In addition, permission would be required from the Parks & Recreation Department for any landscaping placed in City of Troy property.

Mr. Rouland stated the landscaping was still in the planning stages.

Mr. Stimac stated he wanted the Board to be aware of the location of the right-of-way.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There were four written approvals on file. There were no objections on file.

ITEM #4 – con't.

Motion by Nelson
Supported by Richnak

MOVED to grant Mr. Rouland of 3012 Kingsley relief of Chapter 83 to construct a 6' high privacy fence adjacent to the south property line along West Big Beaver.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All-5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST – MONDRIAN PROPERTIES, 6024 & 6025 MAYAPPLE, for relief of chapter 85 to erect two (2) 60 square foot ground signs.

Mr. Stimac explained that the petitioners are requesting relief of Chapter 85 to erect two (2) 60 square foot ground signs. Section 85.02.05 (1b) states that only one sign, 100 square feet in area is permitted.

Mr. Maniaci of Mondrian Properties was present. Mr. Maniaci stated he is wishing to erect metal raised letters on two walls at the entrance for Chesapeake Grove, a condominium project. He said that it would be more visible for traffic going east and west.

Mr. Dziurman asked if it was necessary to have signage on both of the walls.

Mr. Maniaci stated it would be a nice balance. He stated the total sign area would be only 18 square feet.

Mr. Richnak asked if you could only put the signage on one side.

Mr. Maniaci stated it would be more visible with the two signs.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There was one (1) written approval on file. There was one (1) written objection on file.

Motion by Kessler
Supported by Nelson

ITEM #5 – con't.

MOVED, to grant Mondrian Properties, 6024 & 6025 Mayapple relief of Chapter 85 to erect two (2) 60 square foot ground signs at the entrance to the Chesapeake Grove condominium project.

- Variance is not contrary to the public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All-5

MOTION TO GRANT REQUEST FOR TWO (2) 60 SQUARE FOOT GROUND SIGNS CARRIED.

ITEM #6 – VARIANCE REQUEST. AVER SIGN CO., 1735 E. BIG BEAVER, for relief of Chapter 85 to install a second wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a second wall sign 28 square foot in area. Section 85.02.05 (3a) allows for one wall sign, not to exceed 10% of the front of the structure. Currently there is an existing 72.4 square foot wall sign. A permit was issued for the 28 square foot wall sign with the stipulation that all other wall signs were to be removed. After installing this sign, the owner decided he wanted the 72.4 square foot wall sign to remain. This would mean that the tenant would only be allowed a 20 square foot wall sign.

Ken Enghauser of JP Morgan Chase was present. Mr. Enghauser stated it would be a hardship to fabricate another sign for this location.

Mr. Kessler asked why they didn't remove the other sign.

Mr. Dziurman asked if the bank was open.

Mr. Enghauser stated they are open and operate as a full service bank.. Mr. Enghauser also stated they could remove the brim, if that would assist in allowing the sign.

Mr. Stimac stated that the brim was not part of the original variance request and if it were considered part of the sign (logo) and not lighting, we would need to bring it back to the board.

Mr. Richnak said the matter should be tabled until the next meeting, to allow the board to review the sign and the brim.

Motion by Richnak
Supported by Kessler

ITEM #6 – con't.

MOVED, to postpone the request of Aver Sign, for relief of the Sign Ordinance to allow a second wall sign 28 square feet in area until the next meeting of June 7, 2006.

- To allow the petitioner to review the plans and whether they are to include the brim as part of the signage.
- To allow the petitioner to submit more detailed plans.

Yeas: 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JUNE 7, 2006 CARRIED.

ITEM #7 – VARIANCE REQUEST. INTERCITY NEON, 1919-1975 TECHNOLOGY DRIVE, for relief of Chapter 85 to erect a second ground sign, 42 square feet in area on a site in the R-C Zoning District.

Mr. Stimac explained the petitioner is requesting relief of Chapter 85 to erect a second ground sign, 42 square feet in area on a site in the R-C Zoning District. Section 85.02.05 (3b) permits one ground sign for each building the R-C Zoning District. Currently there is a ground sign designated for this building, located at the corner of John R and Technology that reads "Troy Technology Park".

Mr. Stimac explained that in residential zoned areas there is a provision for entranceway signs but there is no provision in commercial zoned areas. The brick wall at the entrance to Technology Park has signage on it that was assigned to the building at 1919-1975 Technology.

Mr. Oddo was present. He stated that recently a new tenant moved in and prior to them, General Motors was the primary tenant for most of the buildings in the park. Mr. Oddo stated that pine trees block the building, making it difficult to find.

Mr. Dziurman asked if a wall sign would be more visible.

Mr. Oddo stated that the trees would still hinder the visibility of the sign. He stated that every building on the site currently has a ground sign. This building is the only one without a ground sign. Mr. Oddo continued to say that at one time General Motors was the occupant of all of the buildings and they connected the buildings so that they were accessible from inside the structures. Mr. Oddo stated that now the buildings are multi-tenant occupancies and additional signage is required in order to locate the tenants.

Mr. Zuazo asked if there could be signage down the road to direct traffic to the tenants.

ITEM #7 – con't.

Mr. Stimac explained the sign ordinance provides for a ground sign, which may contain signage to identify the tenants. In addition, each tenant could have a tenant identification sign on the area of the building that they occupy to provide direction.

Mr. Zuazo asked what amount of wall signage the buildings could have.

Mr. Stimac stated that each building gets 200 square feet of wall signage and each tenant may have 20 square feet of wall signage.

Mr. Oddo stated that once this sign is erected, they should not need anymore ground signs for the park.

Mr. Zuazo asked who approves the signage that is installed. Mr. Oddo stated that Trammel Crow manages the property and they monitor everything that is done on the site.

Mr. Dziurman suggested that restrictions be put in the lease agreements with the tenants.

After much discussion on the number of buildings, which were identified as H, I, and J buildings, Mr. Stimac stated the City only goes by official addresses.

Motion by Kessler
Supported by Richnak

MOVED, to grant Inter City Neon relief of Chapter 85 to erect a second ground sign 42 square feet in area on a site in the R-C Zoning District.

- Variance is not contrary to the public interest.
- Entrance sign to the Technology Park will remain as identification for the park only.

Yeas: All – 5

MOTION TO GRANT REQUEST FOR A SECOND GROUND SIGN CARRIED.

ITEM #8 – VARIANCE REQUEST, GARY ABITHEIRA, REPRESENTING MICHIGAN HOME BUILDERS, BRIGGS PARK CONDOMONIUM, for relief of Chapter 83 to install a masonry wall at the proposed Brigs Park Condominium.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a masonry wall at the Briggs Park condominium site, which is the property located at the northeast corner of Lamb and Rochester Rd. The site plan submitted indicates 6' and 9' high masonry walls and metal fences located 20' from the property lines along

ITEM #8 – con't.

Rochester Road and Lamb. Chapter 83 limits the height of fences to 30" in the front setback.

Gary Abitheira, Joe Paluzzi and Brad Boehling of Michigan Home Builders were present. Mr. Abitheira stated that this is a new development. Part of the plans is to install a berm at Rochester Road and Lamb Dr. The berm is to be 4' high with the wall extending up 5' for a total of 9 feet. Mr. Abitheira explained that it would add to the look for Rochester Road and also help cut down the noise from traffic on Rochester Road.

Mr. Paluzzi stated this development would be occupied by older citizens and having the berm with the wall 9' high would keep noise down for the residents.

Mr. Kessler asked it the height would vary on the wall.

Mr. Paluzzi stated there would be a 4' consistent wall along Rochester Road.

Mr. Richnak asked if these dwellings were two stories. Mr. Paluzzi stated they were single story but the whole project is centered for empty nesters.

Mr. Zuazo asked about a sidewalk. Mr. Stimac stated he didn't know if a sidewalk would be installed.

Mr. Zuazo asked if it would create a drainage issue. Mr. Richnak stated it would not be a problem. The flow would go to the street.

Mr. Kessler asked who would maintain the wall and landscaping. Mr. Boehling stated it would be turned over to the Association to maintain. He said they were planning on spending $5,000 to $6,000 per building for landscaping materials.

Mr. Boehling stated there would be 20' of green space from the residences to the wall.

Mr. Kessler asked what the committed dollar amount was for all the landscaping and Mr. Paluzzi stated it was $25,000.

Mr. Kessler advised they should get with Ronald Hynd, Landscape Analyst with the City of Troy Parks and Recreation Department to get advise on the best materials to use.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There was one (1) written approval on file. There was one (1) written objection on file.

Motion by Kessler
Supported by Richnak

ITEM #8 – con't.

MOVED, to grant Michigan Home Builders relief of Chapter 83 to install 6' and 9' masonry walls and metal fences located 20' from the property lines along Rochester Road and Lamb Dr. Chapter 83 limits the height of fences to 30" in the front setback.

- Contractor to obtain and provide a cost estimate of how much it will cost to complete the entire project for landscaping to insure it will cover all areas of the wall.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 (ITEM #2) – VARIANCE REQUEST. BASEMENT EXPERTS, 4687 ALTON DRIVE, for relief of the 2003 Michigan Residential Code to finish a basement.

Mr. Stimac explained the petitioners are requesting relief of the 2003 Michigan Residential Code to finish a basement. The plans submitted show that the existing basement has a 7' height to the bottom of the joists, a dropped I-beam with a 6'-5" clear height and dropped plumbing with 6'-6" clear height. The finished ceiling materials would lower the main ceiling areas to 6'8" and 6'-9", and the plumbing and I-beam dropped ceilings to 6'-4". Section R-305 of the Michigan Residential Code requires a 7' minimum ceiling height in finished basement and 6'-6" clear heights under dropped areas.

Mr. Stimac stated that this item appeared before the Board at the Meeting of April 5, 2006 and was postponed to this meeting to allow the petitioner to provide pictures and more detailed drawings of the basement they are planning to refinish indicating gas and plumbing lines as well as I-beams and ductwork.

Mr. Dubay of Basement Experts was present. Mr. Dubay submitted photos to the Board showing the I-beam from the foot of the stairs. The next photo was of the plumbing on the wall. Mr. Dubay also, submitted a photo of the unfinished side of the basement. Mr. Dubay stated the unfinished side shows a gas line that someone would have to duck under.

Mr. Richnak asked about the drain depicted in the photo. He wondered if it could be moved.

Mr. Stimac stated this was a very unusual design for a drain to be in this location (below the joists). It also appears to be an "S" trap rather than the permitted "P" trap. He also asked questions about the door opening.

ITEM #9 – con't.

Mr. Kessler asked about re-working the wiring. Mr. Dubay stated they were going to run new wiring.

Mr. Kessler stated that in the future we would want photos of all areas put in the packets as it would save time when reviewing each case.

Motion by Kessler
Supported by Richnak

MOVED, to grant request of Basement Experts, 4687 Alton Drive, relief of the 2003 Michigan Residential Code, to finish a basement with a suspended ceiling to a height of 6'8" for the main ceiling and 6'-5" drop at the I-beam.

- Petitioner must round or taper the sharp edge around the I-Beam to remove a potentially hazardous condition.
- Variance applies only to the property described in this application.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #10 (ITEM #3) – VARIANCE REQUEST, BASEMENT EXPERTS, 1432 LEAFGREEN, for relief of the Michigan Residential Code to finish a basement.

Mr. Stimac explained the petitioners are requesting relief of the 2003 Michigan Residential Code to finish a basement. The plans submitted show that the existing basement has a 7' height to the bottom of the joists and a dropped I-beam with a 6'-6" clear height. The plans propose installing a suspended ceiling and covering the I-beam with finish materials. These changes would lower the main ceiling height to 6'8" and the dropped I-beam to 6'-5".

The 2003 Michigan Residential Code section R-305 requires a 7' minimum ceiling height in finished basements and 6'-6" clear heights under dropped areas.

Mr. Dubay from Basement Experts was present. He submitted photos for this job.

Mr. Stimac asked questions regarding the dimensions from floor to joists. Also, asked the minimum clearance under ceiling joists.

Mr. Dubay responded with dimensions.

Motion by Nelson
Supported by Richnak

ITEM #10 – con't.

MOVED, to grant the request of Basement Experts, 1432 Leafgreen, for relief of the Michigan Residential Code to finish a basement that would lower the main ceiling height to 6'-8" and dropped I-beam to 6'-5".

- Variance is not contrary to public interest.
- Variance applies only to the property described in this application.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

Building Code Board of Appeals meeting adjourned at 9:40 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary